FEB 2 7 2018

Mr. Larry Young, President
A-Tec Recycling, Inc.
PO Box 57580
Des Moines, Iowa 50317

RE: Review of Cathode Ray Tube Recycling Process
A-Tec Recycling, Inc.
EPA ID No.: IA0000109827

RCRA
571225

Dear Mr. Young:

A-Tec Recycling, Inc. (A-Tec) requested that the U.S. Environmental Protection Agency review a newly developed recycling process at its Des Moines, Iowa facility to extract lead from Cathode Ray Tube glass. On January 9, 2018, you submitted a detailed description of your process which contained proprietary information and which A-Tec requested be maintained as confidential business information. The proprietary details of the process will not be discussed in this decision letter.

A-Tec requested clarification on the following issues, which will each be addressed in this letter:

1. How are the wastes regulated prior to entering the recycling process;
2. Is a Resource Conservation and Recovery Act permit required for the recycling process to remove the lead from the CRT glass; and
3. How are the wastes/products of the recycling process regulated?

Prior to entering the recycling process, CRT glass that is generated by processing electronics at the A-Tec facility and/or CRT glass received from off-site sources, will be subject to the Conditional Exclusion for Used, Broken CRTs and Processed CRT Glass Undergoing Recycling, found at Title 40 Code of Federal Regulations § 261.39. The requirements include (but are not limited to) to the following:

1. *Storage.* The broken CRTs must be either:
   (i) Stored in a building with a roof, floor, and walls; or
   (ii) Placed in a container (*i.e.*, a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).
2. *Labeling*. Containers must be labeled or marked clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass" or "Leaded glass from televisions or computers." It must also be labeled: "Do not mix with other glass materials."
3. *Transportation.* The used, broken CRTs must be transported in a container meeting the container storage requirement at (1)(ii) above and labeling requirement at (2) above.

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Office	AWMD/ WEMM	AWMD/ WEMM	AWMD/ WRAP	CNSL	CNSL	AWMD/ WEMM	AWMD/ WRAP
Name	Wenner	Buckner	Murrow	Catlin	Weekley	Goetz	Lininger
Initial/Date	RW 2/1/18	2/8/18	2/8/18	2/14/18	2/15/18	2/22/18	2/27/18

4. *Speculative accumulation and use constituting disposal.* The used, broken CRTs are subject to the limitations on speculative accumulation at 40 CFR § 261.1(c)(8). If the CRTs are used in a manner constituting disposal, they must comply with the applicable requirements of Part 266, Subpart C instead of the requirements of 40 CFR § 261.39.

Based on the information provided regarding the A-Tec process, no processing activities will be performed that use temperatures high enough to volatilize lead from the CRT glass (40 CFR § 261.39(b)(2)(ii)). The information submitted indicated two materials will be produced by the process. One is high purity lead, and the other is finely crushed glass. The submission explained that A-Tec intends to sell the lead as a raw material, and EPA agrees that if used as a raw material for lead, this item would be a product, not a waste. The submission also explained the intent to sell the finely crushed glass as a raw material, but that it will possibly be used in a manner that would constitute disposal. Analytical data submitted on behalf of A-Tec demonstrated that the finely crushed glass meets the requirements of 40 CFR Part 266, Subpart C, including the Land Disposal Restriction requirements of 40 CFR 268, Subpart D. Therefore, if processed in accordance with the A-Tec submission, and if analytical results continue to demonstrate the finely crushed glass meets the LDR requirements, the EPA believes this waste meets the requirements of 40 CFR § 261.39(d), Use constituting disposal for glass from used CRTs.

Based on your January 9, 2018, submittal, and assuming compliance with the requirements of 40 CFR §261.39(a) through (d), the used, broken CRTs are not solid wastes and therefore the facility's recycling process to remove lead from the CRT glass is not subject to the requirements for obtaining a RCRA hazardous waste permit to operate.

A-Tec must continue to monitor this waste stream to ensure that it continues to meet these requirements in the future. The EPA also recommends that A-Tec contact the Iowa Department of Natural Resources to determine if any approvals or permits are required to use this waste in a manner constituting disposal. One additional consideration is whether or not an air emissions permit would be required for the air handling system. In order to determine if this permit is required, A-Tec should contact:

Jeremy Becker
Manager, Air Quality Division
Polk County Public Works Department
5885 NE 14th Street
Des Moines, Iowa 50313
515-286-2263
jeremy.becker@polkcountyiowa.gov

The EPA has evaluated the proprietary information A-Tec submitted regarding how it will process the CRT glass to remove lead. The EPA has concluded that the proposal meets the requirements of processing under the conditional exclusion for CRT glass "processing" under 40 CFR § 261.39(b), Requirements for used CRT processing. Based on the facility-specific information provided, the EPA believes a RCRA permit would not be required for this process. This conclusion is conditional on compliance with the storage, labeling, transportation, speculative accumulation, use constituting disposal, and recordkeeping requirements found at 40 CFR §§ 261.1(c)(8), 261.39, Part 266, Subpart C, and Part 268, Subpart D.

Please direct any inquiries concerning this matter to Rebecca Wenner at (913) 551-7644 or by e-mail at wenner@rebecca.epa.gov.

Sincerely,

Mary Goetz
Chief,
Waste Enforcement and Materials
Management Branch
Air and Waste Management Division

Sincerely,

Don Lininger, CHMM
Chief
Waste Remediation and Permitting Branch
Air and Waste Management Division

cc: Amie Davidson, Supervisor, Contaminated Sites Section, IDNR
Jeremy Becker, Polk County Public Works Department

bcc: Kelley Catlin, CNSL
Erin Weekley, CNSL
Pat Murrow, AWMD/WRAP
Ed Buckner, AWMD/WEMM